

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

## AT SEATTLE

KAELEI GARNER, *et al.*,

Case No.: 2:21-cv-00750-RSL

Plaintiffs,

**STIPULATED MOTION TO MODIFY  
CASE DEADLINES AND ORDER**

V.

AMAZON.COM, INC., a Delaware Corporation, and AMAZON.COM SERVICES, LLC, a Delaware Limited Liability Company,

## Defendants.

**STIPULATED MOTION**

Plaintiffs and Defendants (together, the “parties”), hereby stipulate to modifying the court-ordered deadline for the end of fact discovery and subsequent case deadlines.

On November 17, 2021, Plaintiffs filed the Amended Consolidated Class Action Complaint against Defendants.

On February 18, 2022, the Court issued an Order Setting Discovery And Pretrial Dates that set the close of fact discovery on December 16, 2022. ECF No. 72.

The parties have engaged in discovery, including document requests, interrogatories, and discovery conferences, as well as discovery-related motion practice.

The Court recently resolved outstanding disputes between the parties. ECF Nos. 123, 136, 138, 139.

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1       In view of the Court's recent orders on discovery, the parties have met and conferred in  
 2 good faith to discuss the need for an extension of the fact discovery deadline given the significant  
 3 volume of discovery to be completed. The parties agree that there is good cause to extend that  
 4 deadline to August 16, 2023 in order to complete fact discovery, including the discovery addressed  
 5 in the Court's October 3 and 31 orders (ECF Nos. 123, 136), and depositions of both parties.

6       The parties agree and respectfully request that the Court extend fact discovery cutoff and  
 7 subsequent deadlines by approximately eight-and-a-half months as follows:

- 8           • August 16, 2023 - Fact discovery cutoff
- 9           • October 10, 2023 - Last day to file motion for class certification (including expert  
 10 report in support of class certification)
- 11           • December 8, 2023 - Last day to file opposition to class certification (including  
 12 expert report in opposition to class certification)
- 13           • January 11, 2024 - Last day to file reply in support of class certification (including  
 14 reply class certification expert report limited to any new subjects introduced in  
 15 opposition report)

16       The Parties further agree to continue discussing in good faith interim deadlines related to  
 17 fact discovery but may need further assistance from the Court if they are unable to come to a  
 18 resolution. These interim deadlines will include, *inter alia*, deadlines for Defendants' substantial  
 19 completion of document production and production of privilege logs. Defendants are in the  
 20 process of collecting the ESI necessary to comply with the Court's order, and are assessing the  
 21 time and resources necessary to complete their production. Defendants currently anticipate that  
 22 their production will be substantially complete at least four months before the close of discovery,  
 23 but if additional time is required, the parties agree jointly to request a further extension of the fact  
 24 discovery cutoff to ensure that plaintiffs have four months to review Defendants' document  
 25 production and complete fact witness depositions.

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NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the undersigned Parties, and respectfully submitted for the Court's approval, that the deadline for the close of fact discovery and subsequent case deadlines be extended as follows:

<b>Event</b>	<b>Former Deadline</b>	<b>Operative Deadline</b>
Fact discovery cut-off	December 16, 2022	August 16, 2023
Last day to file motion for class certification (including expert report in support of class certification)	January 26, 2023	October 10, 2023
Last day to file opposition to class certification (including expert report in opposition to class certification)	March 24, 2023	December 8, 2023
Last day to file reply in support of class certification (including reply class certification expert report limited to any new subjects introduced in opposition report)	April 28, 2023	January 11, 2024

Dated: November 17, 2022

Respectfully submitted,

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Dated: November 17, 2022

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## ORDER

Pursuant to the Parties' Stipulated Motion to Modify Case Deadlines, it is HEREBY ORDERED that the deadline for the close of fact discovery and subsequent case deadlines be extended as shown follows:

<b>Event</b>	<b>Former Deadline</b>	<b>Operative Deadline</b>
Fact discovery cut-off	December 16, 2022	August 16, 2023
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Last day to file opposition to class certification (including expert report in opposition to class certification)	March 24, 2023	December 8, 2023
Last day to file reply in support of class certification (including reply class certification expert report limited to any new subjects introduced in opposition report)	April 28, 2023	January 11, 2024

Dated this 18th day of November, 2022.

Mr S Lasnik  
ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE